

A. G. Contract No. KR98 1242TRN
ADOT ECS File No.: JPA 99-41
Project: STP 366(19)P/H2741 01C
Section: SR-89A

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF COTTONWOOD

THIS AGREEMENT is entered into 9 September 1999,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and the CITY OF COTTONWOOD, acting by and
through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to a roadway reconstruction project on US-89A from Station 143+92 to Station 184+26 contemplated by the State, to include sidewalks along the roadway, at a currently estimated cost of \$64,000.00, all at State expense, the City has agreed upon completion of the project to provide maintenance to the sidewalks.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

NO. 23535
Filed with the Secretary of State
Date Filed: 09/09/99

Betsy Bayless
Secretary of State

B. Dicky V. Groenewold

II. SCOPE

1. The State will:

a. Provide design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate City review comments.

b. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor(s). Be responsible for all costs associated with the project, in an amount currently estimated at \$64,000.00, and for any contractor claims for extra compensation due to delays or whatever reason.

c. Upon completion of the work, approve and accept the project on behalf of the parties hereto.

2. The City will:

a. Review the design documents and provide comments.

b. Upon completion and acceptance of the project by the State, provide maintenance to the sidewalks, whether within or outside of the State right-of-way.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and payments; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Cottonwood
City Manager
827 N. Main Street
Cottonwood, AZ 86326

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

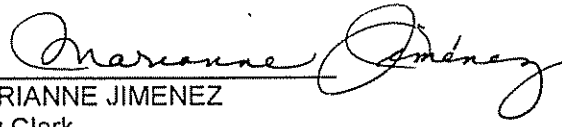
CITY OF COTTONWOOD

STATE OF ARIZONA
Department of Transportation

By 
RUBEN JAUREGUI
Mayor

By 
EDWARD D. WRIGHT
Deputy State Engineer

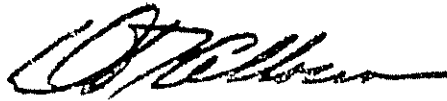
ATTEST

By 
MARIANNE JIMENEZ
City Clerk

RESOLUTION

BE IT RESOLVED on this 19th day of July 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Cottonwood for the purpose of defining responsibilities for sidewalk maintenance of SR-89A.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

RESOLUTION NUMBER 1749

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR THE MAINTENANCE OF SIDEWALKS ALONG HIGHWAY 89A BETWEEN STATE ROUTE 260 AND ZALESKY ROAD.

WHEREAS, the State is empowered by A.R.S. §28-401 to enter into this agreement; and

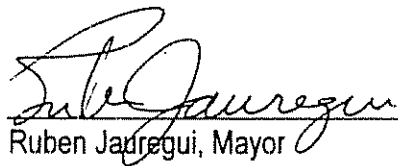
WHEREAS, the City is empowered by A.R.S. §48-572 to enter into this agreement; and

WHEREAS, incident to a roadway reconstruction project on US-89A between State Route 260 and Zalesky Road (Station 143+92 to Station 184+26) contemplated by the State, to include sidewalks along the roadway, the City has agreed upon completion of the project to provide maintenance to the sidewalks.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA:


THAT, the intergovernmental agreement with State of Arizona, Department of Transportation, for maintenance of sidewalks along US-89A between State Route 260 and Zalesky Road is hereby approved.

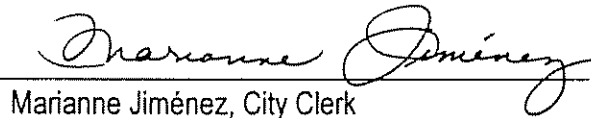
PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 3RD DAY OF AUGUST, 1999.


Ruben Jadregui, Mayor

APPROVED AS TO FORM.

ATTEST:


Mangum, Wall, Stoops & Warden
City Attorneys


Marianne Jiménez, City Clerk

APPROVAL OF THE COTTONWOOD CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF COTTONWOOD and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 12th day of August, 1999.



Mangum, Wall, Stoops & Warden
City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

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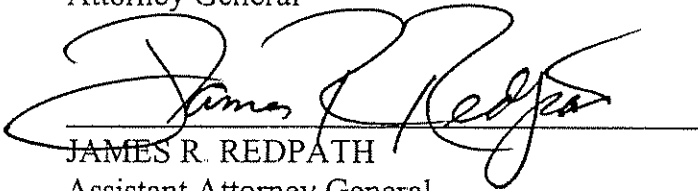
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-1242TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED September 1, 1999.

JANET NAPOLITANO
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/86067

Enc.